

REMARKS/ARGUMENTS

Reconsideration of this application, as amended, is respectfully requested. The following remarks are responsive to the Office Action of May 20, 2003. Claims 1-27 remain in the application. Claims 28-54 have been cancelled. Claims 1-27 have been amended. Upon entering the above amendments wherein the independent claims recite taking automatic steps to generate filtered data, the rejections under 35 U.S.C. 101 and 112 will be obviated. The above amendments are supported by the Specification as filed. Accordingly, no new matter is added.

1. Summary of the Office Action

Claims 1-54 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter.

Claims 1-54 stand rejected under 35 U.S.C. § 112 as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which the application regards as the invention.

Claims 1-10 and 15-16 stand rejected under § 102(e) as allegedly being anticipated by U.S. patent no. 6,360,211 (hereinafter "Anderson").

Claim 1 includes the following limitations:

A method of generating a first report by filtering out item data in a second report in a network-based auction facility, the method including:

receiving item data from the second report corresponding to multiple items, the data including a price-based value for each of the multiple items;

automatically identifying at least one of the multiple items as being an irregular item based on the price-based value for the irregular item being greater than a predetermined price-based value; and

automatically removing the irregular item data corresponding to the irregular item from the received item data to thereby generate the first report including filtered data.

(Claim 1, emphasis added)

2. **Response to § 101 Rejection**

Claims 1-54 stand rejected as allegedly being directed to non-statutory subject matter, specifically, not falling within the Technological art and lacking practical application of a mathematical algorithm.

Claim 1 as presently amended obviates the rejection based upon the claim being directed toward a human making mental computations. Claim 1 recites generating a first report by filtering out item data in a second report in a network-based auction facility and further includes automation as evidenced in the limitations reciting, "automatically identifying..." and "automatically removing...."

Claim 1 as presently amended obviates the rejection based upon the claim failing to recite a tangible, concrete and useful result. Claim 1 recites automatically removing the irregular item data corresponding to the irregular

item from the received item data to thereby generate the first report including filtered data.

Because claim 1 has been amended to reflect automation falling within a Technological art and generating a report that is “tangible, concrete, and useful,” it is respectfully requested this rejection be removed. Independent claims 22, 23, and 24 have substantially the same limitations as claim 1 and the arguments that apply to claim 1 also apply these claims.

For at least the reasons above, Applicants believe all rejections have been addressed and respectfully request the withdrawal of the § 101 rejections.

3. Response to § 112 Rejection

Claims 1-21 stand rejected as not reciting any limitation that relates the data to a report in network-based auction facilities. Claim 1, as amended, recites this relationship in the limitation, receiving item data from the second report corresponding to multiple items. The remaining independent claims 22, 23, and 24 also recite a substantially similar limitation.

The claims further stand rejected because the limitations “receiving” and “removing” lack a nexus and are rendered indefinite and unclear. The addition of the limitation, automatically identifying at least one of the multiple items as being an irregular item based on the price-based value for the irregular item being greater than a predetermined price-based value, to claim 1 has obviated this rejection. The remaining independent claims 22, 23, and 24 also recite a substantially similar limitation.

Claims 5 and 6 as amended properly limit an irregular item by further reciting a characteristic of the irregular item. Claim 7 has been rewritten to correct the antecedent basis rejection. Claims 8-10, wherein specific types of reports are created, now bear a limiting relationship to the generation of the report including filtered data as recited in the parent claim 1. The limitations as recited in claims 11 and 12, wherein the automatic conversion from a first currency to a second currency of the priced-based value data from the multiple item data and the choosing of the predetermined price-based value based on the first currency, have a nexus in the filtering of item data and the generation of a report including the filtered data. Similarly, claims 13 and 14, wherein the choosing of the price-based value is from a plurality of predetermined price-based values based on the category of the irregular item, have a nexus in the filtering of item data and the generation of a report including the filtered data.

For at least the reasons above, Applicants believe all rejections have been addressed and respectfully request the withdrawal of the § 112 rejections.

4. **35 U.S.C. § 102**

To anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The teachings of Anderson fail to anticipate the present claims as amended. Anderson discusses processing invoice information by automatically conducting a reasonability test on the invoice based on customer specific categories and associated criteria. Upon evaluation, the criteria can be flagged green, yellow, or red indicating a

corresponding course of action should be taken. Once the flag or flags are set, the system generates a report. The report as shown in Table 4 merely lists the category, criterion, flag, corresponding action required, recipient and originator.

Although, as indicated in the present Office Action, a reasonability test can include checking whether a dollar amount exceeds a designated range, a closer inspection of Table 3 shows the criterion is based upon a "Min/Max Absolute Dollar Amount." In other words, it only checks the total amount of the invoice without regard to the itemized totals, if present, in determining whether the whole invoice is flagged for a corresponding course of action. In contrast, claim 1 recites filtering out item data in a second report including receiving item data from the second report corresponding to multiple items and automatically identifying at least one of the multiple items as being an irregular item. These multiple items within the report are what are being identified as irregular (e.g., see Figs. 3a and 3b) and not the report (invoice) itself, as described in Anderson. Further, Anderson only flags the invoice and generates a report based upon the results of the invoice evaluation and does not automatically remove the item data corresponding to the irregular item from the received item data to thereby generate the first report including filtered data. Therefore, for at least these reasons, claim 1 and all claims dependent therefrom are patentable over Anderson. Because independent claims 22, 23 and 24 have substantially similar limitations as claim 1, the same arguments that applied to claim 1 also apply these claims and their associated dependent claims.

5. Conclusion

In summary, Applicants assert that all rejections against the currently pending claims have been addressed and withdrawal of these rejections is respectfully requested. Further, Applicants believe that the claims to be in a condition for allowance, which is earnestly solicited.

If there are any additional charges, please charge Deposit Account No. 02-2666.
If a telephone interview would in any way expedite the prosecution of the present application, the Examiner is invited to contact André Marais at (408) 947-8200 ext. 204.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 09/18/ 2003



André L. Marais
Reg. No. 48,095

12400 Wilshire Blvd.
Seventh Floor
Los Angeles, CA 90025-1026
(408) 947-8200